

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LYNDON JACKSON,

Plaintiff,

v.

THE BOEING COMPANY,

Defendant.

CASE NO. C21-654 MJP

ORDER DENYING MOTIONS TO
APPOINT COUNSEL

This matter comes before the Court on Plaintiff's Motions to Appoint Counsel. (Dkt. Nos. 13, 16, 17.) Having reviewed the Motions, the Complaint, and all supporting materials, the Court DENIES the Motions.

"[T]here is 'no constitutional right to counsel in a civil case.'" Adir Int'l, LLC v. Starr Indem. & Liab. Co., 994 F.3d 1032, 1038–39 (9th Cir. 2021). But under 42 U.S.C. § 2000e-5(f)(1), "[u]pon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security." "Three factors are

1 relevant to the trial court's determination whether to appoint counsel: (1) the plaintiff's financial
2 resources; (2) the efforts made by the plaintiff to secure counsel on his own; and (3) the
3 meritoriousness of plaintiff's claim." Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266,
4 269 (9th Cir. 1982).

5 Considering the three factors set out in Ivey, the Court does not find appointment of
6 counsel to be appropriate. First, as demonstrated by Plaintiff's ability to pay the filing fee, it
7 appears Plaintiff has some funds available to retain an attorney. This fact weighs against
8 appointment of counsel. Second, Plaintiff states that he has reached out to 20 attorneys,
9 apparently without success. This factor weighs somewhat in favor of appointment of counsel.
10 Third, after having reviewed the complaint, the Court is not convinced that Plaintiff's claims
11 have sufficient merit to warrant appointment of counsel. While Plaintiff details many alleged
12 failures in management, he does not provide clear allegations of racial discrimination directed at
13 him. Based on the current complaint, and considering the Ivey factors, the Court is not convinced
14 that the present action possesses sufficient merit to warrant appointment of counsel. The Court
15 therefore DENIES the Motions to Appoint Counsel.

16 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.

17 Dated September 14, 2021.

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19 Marsha J. Pechman
20 United States Senior District Judge
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